

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK:

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ADEKUNLE OLUMUYIWA OLUYISOLA OLUSI,

Docket No.: 07 Civ.8776 (DC)

Plaintiff,

AFFIRMATION OF LATENESS
OF ATTORNEY FOR
PLAINTIFF.

-against-

PETER KEISLER, U.S. Acting
Attorney General, et-al,

Defendant.

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EDWARD A. ROBERTS, ESQ., an attorney duly admitted to practice law before the Courts of the State of New York, as well as before the within Court, affirms the following under penalties of law and CPLR Sec. 2106:

1. That I am the attorney for the plaintiff herein; and as such I am fully familiar with the facts and circumstances herein.

2. I make this affirmation in support of vacating the order of this Court dated March 21, 2008, which order conditionally dismissed the action unless the plaintiff submits the required documents to the Clerk of this Court (Affidavits of Service) by April 21, 2008; as well as for such other, further and different relief as to this Court may deem just and appropriate under the circumstances. **SEE EXHIBIT A.**

3. Upon information and belief, the Summons and

Complaint herein had been timely and properly served upon the defendants as is required by law and the applicable rules of this Court. **SEE EXHIBIT B.**

4. Upon information and belief, your affirmant was of the impression and opinion that the Secretary of your affirmant had in fact timely filed said documents with the Clerk of the Court.

5. Only upon receipt of the Order issued by this Court dated March 21, 2008, your affirmant discovered that the said documents were not filed with the court.

6. Additionally, your affirmant believed that the original copies of the affidavits of service could have been filed manually with the Clerk of the Court and only when someone attempted to do so on or about April 14, 2008, said person was informed that the said documents had to be filed electronically.

7. The undersigned has since registered with the CM/ECFM of this Court and is hopeful to file the documents on April 21, 2008.

8. The delay herein was not intentional in any manner but was occasioned solely as result of the facts and circumstances stated above.

9. Your affirmant hereby apologizes for the inconvenience created by the office of your affirmant particularly in having the order issued by the court and dated March 21, 2008 generated and mailed to your affirmant's office.

10. Upon information and belief, no previous application for the relief herein was made by your affirmant.

WHEREFORE, your affirmant respectfully request that the relief requested herein be granted in all respects and that this Court grants such other, further and different relief as to this Court may deem just, proper and equitable under the circumstances.

Dated: Brooklyn, New York
April 19, 2008

DULY AFFIRMED: EDWARD A. ROBERTS, ESQ.